

CAREER AND TECHNICAL PREPARATION ACT

Act 258 of 2000

AN ACT to establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

History: 2000, Act 258, Eff. Apr. 1, 2001.

The People of the State of Michigan enact:

388.1901 Short title.

Sec. 1. This act shall be known and may be cited as the "career and technical preparation act".

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1902 Purpose of act.

Sec. 2. The purpose of this act is to provide a wider variety of options to high school pupils by encouraging and enabling qualified pupils to enroll in courses or programs in career and technical preparation programs at eligible postsecondary educational institutions.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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388.1903 Definitions; rules; scope.

Sec. 3. (1) As used in this act:

(a) "Career and technical preparation program" means a program that teaches a trade, occupation, or vocation and that is operated by an eligible postsecondary educational institution located in this state.

(b) "Community college" means a community college established under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tribally controlled community college located in this state that is recognized under the tribally controlled community college assistance act of 1978, 25 USC 1801 to 1852, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(c) "Department" means the department of labor and economic growth.

(d) "Eligible charges" means tuition and mandatory course fees, material fees, and registration fees required by a career and technical preparation program for enrollment in an eligible course. Eligible charges also include any late fees charged by a career and technical preparation program due to the school district's failure to make a required payment according to the timetable prescribed under this act. Eligible charges do not include transportation or parking costs or activity fees.

(e) "Eligible course" means a course offered by a career and technical preparation program that is not offered through the school district, intermediate school district, or area vocational-technical education program in which the eligible student is enrolled, or that is offered through the school district, intermediate school district, or area vocational-technical education program but is determined by its governing board to not be available to the eligible student because of a scheduling conflict beyond the eligible student's control; that is a career and technical preparation course not ordinarily taken as an activity course; that is a course that the career and technical preparation program normally applies toward satisfaction of certificate, degree, or program completion requirements; and that is not a hobby craft or recreational course.

(f) "Eligible postsecondary educational institution" means a state university, community college, or independent nonprofit degree-granting college or university that is located in this state and that chooses to comply with this act.

(g) "Eligible student" means a student enrolled in at least 1 high school class in at least grade 11 in a

school district in this state, except a foreign exchange pupil enrolled in a school district under a cultural exchange program. Until the 2006-2007 school year, to be an eligible student a student must have achieved state endorsement in all subject areas under section 1279 of the revised school code, 1976 PA 451, MCL 380.1279, and, subject to subsection (2), the student shall not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. However, if the student has not achieved state endorsement in all subject areas under that section, the student is an eligible student if the student achieves state endorsement in mathematics and a qualifying score on a nationally or industry recognized job skills assessment test as determined by the department. Beginning with eligibility to participate under this act during the 2006-2007 school year, to be an eligible student a student who has not taken the Michigan merit examination must have achieved a qualifying score in all subject areas on a readiness assessment and a student who has taken the Michigan merit examination must have achieved a qualifying score in all subject areas on the Michigan merit examination, and, subject to subsection (2), the student shall not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. However, if the student has not achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, as applicable for the student, the student is an eligible student if the student achieves a qualifying score in mathematics and a qualifying score on a nationally or industry recognized job skills assessment test as determined by the superintendent of public instruction. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled in high school for that school year.

(h) "Intermediate school district" means that term as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(i) "Michigan merit examination" means that examination developed under section 1279g of the revised school code, 1976 PA 451, MCL 380.1279g.

(j) "Qualifying score" means a score on a readiness assessment or on a nationally or industry recognized job skills assessment test that has been determined by the superintendent of public instruction to indicate readiness to enroll in a course under this act.

(k) "Readiness assessment" means assessment instruments that are aligned with state learning standards; that are used nationally to provide high school students with an early indication of college readiness proficiency in English, mathematics, reading, social studies, and science and may contain a comprehensive career planning program; and that are approved by the superintendent of public instruction for the purposes of this act.

(l) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, a local act school district as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, or a public school academy organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(m) "State university" means a state institution of higher education described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(2) The department, in consultation with the superintendent of public instruction, shall promulgate rules establishing criteria and procedures under which a student who has been enrolled in high school for more than 4 years but not more than 5 years may be considered to be an eligible student. The rules shall address special circumstances under which a student may qualify to be considered an eligible student under this subsection and may limit the number of courses in which a student who qualifies under this subsection may enroll. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled for that school year.

History: 2000, Act 258, Eff. Apr. 1, 2001;—Am. 2004, Act 592, Imd. Eff. Jan. 5, 2005;—Am. 2005, Act 181, Imd. Eff. Oct. 20, 2005.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1903a Readiness assessments; duties of superintendent of public instruction; determination of qualifying scores; costs.

Sec. 3a. (1) Not later than July 1, 2005, the superintendent of public instruction shall do both of the following:

(a) Approve 1 or more readiness assessments that may be used for the purposes of determining eligible

students beginning with participation in the 2006-2007 school year. Readiness assessments shall be aligned with state learning standards and shall provide high school students with an early indication of proficiency in the subject areas of English, mathematics, reading, social studies, and science and contain a comprehensive career planning program.

(b) Determine qualifying scores for each subject area component of a readiness assessment and for a nationally or industry recognized job skills assessment test that indicate readiness to enroll in a course under this act.

(2) Not later than July 1, 2006, the superintendent of public instruction shall determine qualifying scores for each subject area component of the Michigan merit examination that indicate readiness to enroll in a course under this act.

(3) Unless the school district in which the student is enrolled elects to pay these costs, a student who takes a readiness assessment or a job skills assessment test for the purposes of this act is responsible for paying all costs for taking and obtaining qualifying scores on a readiness assessment or a job skills assessment test for the purposes of this act. This state is not responsible for any of these costs.

History: Add. 2004, Act 592, Imd. Eff. Jan. 5, 2005.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1904 Career and technical preparation program; enrollment requirements; payment.

Sec. 4. (1) Upon request by the eligible student, the school district in which an eligible student is enrolled shall provide to the eligible student a letter signed by the student's principal indicating the student's eligibility under this act.

(2) An eligible student may apply to a career and technical preparation program to enroll in 1 or more eligible courses offered by that career and technical preparation program and, if accepted, may enroll in 1 or more of those courses.

(3) Within a reasonable time after registration, the career and technical preparation program shall send written notice to the eligible student and his or her school district. The notice shall indicate the course or courses and hours of enrollment of that eligible student. The career and technical preparation program shall notify the eligible student about tuition, fees, books, materials, and other related charges, as determined by the career and technical preparation program, in the customary manner used by the career and technical preparation program, and shall notify the eligible student of the estimated amount of the eligible charges that will be billed to the school district under subsection (4).

(4) Unless otherwise agreed between the career and technical preparation program and the school district, after the expiration of the career and technical preparation program's drop/add period for the course, the career and technical preparation program shall send a bill to the eligible student's school district detailing the eligible charges for each eligible course in which the student is enrolled under this act.

(5) Upon receiving the bill under subsection (4), the school district shall cause to be paid to the career and technical preparation program on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the state portion of the foundation allowance paid on behalf of that particular eligible student under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, with the proration based on the proportion of the school year that the eligible student attends the career and technical preparation program. A school district may pay more money to a career and technical preparation program on behalf of an eligible student than is required under this act, and may use local school operating revenue for that purpose. The eligible student is responsible for payment of the remainder of the costs associated with his or her enrollment in the career and technical preparation program that exceed the amount the school district is required to pay under this act and that are not paid by the school district. As used in this subsection, "local school operating revenue" means that term as defined in section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620.

(6) A career and technical preparation program shall not charge a late fee to an eligible student or a school district for a payment that is made in compliance with the timetable prescribed under this act even if the payment would otherwise be considered late by the career and technical preparation program.

(7) A school district may require an eligible student to provide, on a form supplied by the school district, reasonable verification that the eligible student is regularly attending a career and technical preparation course under this act.

(8) If an eligible student enrolled in an eligible course under this act does not complete the eligible course, and if the school district has paid money for the course on behalf of the student, all of the following apply:

(a) The career and technical preparation program shall forward to the school district any funds that are refundable due to noncompletion of the course. If applicable, the school district shall then forward to the student any refunded money in excess of the amount paid by the school district for the course on behalf of the student.

(b) The student shall repay to the school district any funds that were expended by the school district for the course that are not refunded to the school district by the career and technical preparation program. If the student does not repay this money, the school district may impose sanctions against the student as determined by school district policy. This subdivision does not apply to a student who does not complete the course due to a family or medical emergency, as determined by the career and technical preparation program.

(9) A school district shall make available to an eligible student enrolled in the school district copies of all correspondence in the possession of the school district regarding the eligible student's participation in a career and technical preparation course under this act. Correspondence described in this subsection shall be kept by the school district for at least 1 year.

(10) If a school district pays for books for an eligible student for a career and technical preparation course under this section, the books are the property of the school district and shall be turned over to the school district after the eligible student completes the course.

(11) This section does not apply to any career and technical preparation courses in which an eligible student is enrolled in addition to being enrolled full-time in that eligible student's school district; to a career and technical preparation course an eligible student is retaking after failing to achieve a satisfactory grade; or to a course contrary to the eligibility provisions of this act. In determining full-time enrollment in a school district under this act or full-time equated membership under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, for pupils enrolled in a career and technical preparation program under this act, the pupil's enrollment in both the school district and the career and technical preparation program shall be counted as enrollment in the school district and a pupil shall not be considered to be enrolled in a school district less than full-time solely because of the effect of the pupil's enrollment in 1 or more career and technical preparation courses under this act, including necessary travel time, on the number of class hours provided by the school district to the pupil.

(12) This act does not require a school district to pay or otherwise provide financial support for transportation or parking costs necessary for an eligible student to participate in a career and technical preparation program under this act. A school district is not liable for any injury incurred by an eligible student that is related to transportation necessary for the eligible student to participate in a career and technical preparation program under this act.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

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388.1905 Intercollegiate athletics; participation prohibited.

Sec. 5. An eligible student enrolled in a career and technical preparation program under this act shall not participate in intercollegiate athletics while he or she is enrolled in the career and technical preparation program under this act. An eligible student who violates this section forfeits his or her eligibility under this act.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1906 Enrollment; priority.

Sec. 6. A career and technical preparation program may give priority to its postsecondary students when enrolling eligible students in career and technical preparation courses under this act for high school credit only. Once an eligible student has been enrolled in a career and technical preparation course under this act, the career and technical preparation program shall not displace the eligible student with another student.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1907 Academic credit.

Sec. 7. (1) An eligible student may enroll in, and receive payment by the school district under section 4 of all or part of eligible charges for, an eligible course under this act for high school credit or postsecondary credit, or both. At the time an eligible student enrolls in a career and technical preparation course under this act, he or she shall designate whether the course is for high school or postsecondary credit, or both, and shall notify both his or her high school and the career and technical preparation program of that designation. An eligible student taking more than 1 eligible course under this act may make different credit designations under this subsection for different courses. An eligible student shall not audit a course in which he or she is enrolled under this act.

(2) A school district shall grant academic credit to an eligible student enrolled in an eligible course for high school credit under this act if he or she successfully completes the course, as determined by the career and technical preparation program. The amount of high school credit granted by a school district for a course completed under this act shall be determined by the school district.

(3) The high school credits granted to an eligible student under this act shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and high school credits granted shall be included in the eligible student's high school record. Subject to section 444 of subpart 4 of part C of the general education provisions act, title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974, a career and technical preparation program shall provide the school district with a copy of the eligible student's grade in each course taken for high school credit under this act. Upon the request of an eligible student, his or her high school record and transcript shall also include evidence of successful completion and postsecondary credits granted for a course taken for postsecondary credit under this act. In either case, the eligible student's high school record and transcript shall indicate that the credits were earned at a career and technical preparation program and identify the career and technical preparation program.

(4) If a student enrolls in a career and technical preparation program after leaving high school, the career and technical preparation program, in accordance with institutional policy, shall award postsecondary credit for postsecondary courses successfully completed by that student for high school credit under this act at that career and technical preparation program. A career and technical preparation program shall not charge a student for credit awarded under this subsection.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1908 Enrollment without tuition and fee support.

Sec. 8. This act does not restrict the ability of an eligible student or any other pupil to enroll in any career and technical preparation program without tuition and fee support under this act.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1909 Information and counseling services.

Sec. 9. (1) Each school district shall provide information to all high school students on the career and technical preparation enrollment options under this act, including enrollment eligibility; the programs and types of courses that are eligible for participation; the decision-making process for granting academic credits; an explanation of eligible charges that will be paid by the school district and of financial arrangements for eligible charges and for paying costs not paid for by the school district; eligibility for payment of all or part of eligible charges by the school district under this act; an explanation that, if the student qualifies for payment of all or part of eligible charges by the school district under this act, the school district will pay that support directly to the career and technical preparation program upon being billed by the career and technical

preparation program and that the student is not responsible for that payment but is responsible for payment of costs not paid for under this act; available support services; the need to arrange an appropriate schedule; consequences of failing or not completing a vocational education course in which the eligible student enrolls; the effect of enrolling in a career and technical preparation course on the eligible student's ability to complete the required high school graduation requirements; and the academic and social responsibilities that must be assumed by the eligible student and his or her parent or guardian.

(2) To the extent possible, a school district shall provide counseling services to an eligible student and his or her parent or guardian before the eligible student enrolls in a career and technical preparation course under this act to ensure that the eligible student and his or her parent or guardian are fully aware of the benefits, risks, and possible consequences of enrolling in the course. The person providing the counseling shall encourage the eligible student and his or her parent or guardian to also use available counseling services at the career and technical preparation program before the quarter or semester of enrollment to ensure that anticipated plans are appropriate. A school district may provide the counseling required under this section in a group meeting if additional personalized counseling is also made available.

(3) Before enrolling in an eligible course at a career and technical preparation program under this act, an eligible student and his or her parent or guardian shall file with the career and technical preparation program a signed form provided by the eligible student's school district stating that the student is an eligible student and has received the information and counseling specified in subsections (1) and (2) and that the student understands the responsibilities that must be assumed in enrolling in the course. Upon request, the department shall provide technical assistance to a school district and to a career and technical preparation program in developing appropriate forms and counseling guidelines for purposes of this section.

History: 2000, Act 258, Eff. Apr. 1, 2001;—2004, Act 592, Imd. Eff. Jan. 5, 2005.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1910 Enrollment information.

Sec. 10. By May 1, 2001, and by March 1 of each school year thereafter, a school district shall provide general information about the career and technical preparation enrollment options under this act to all pupils in grade 8 or higher.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1911 Annual report.

Sec. 11. (1) Each intermediate school district annually shall collect from each of its constituent school districts and provide to the department of education at the same time that it submits the annual comprehensive financial report required under section 18 of the state school aid act of 1979, 1979 PA 94, MCL 388.1618, information for the immediately preceding school year on all of the following:

(a) The amount of money expended by the school district for payments required under this act.

(b) The number of eligible students who were enrolled in the school district and the number of those eligible students who enrolled in 1 or more eligible courses under this act and received payment of all or part of eligible charges under this act, both in the aggregate and by grade level.

(c) The percentage of the school district's enrollment represented by the eligible students described in subdivision (b), both in the aggregate and by grade level.

(d) The total number of courses for which the school district made payment under this act, the number of those courses for which postsecondary credit was granted, the number of those courses for which high school credit was granted, and the number of those courses that were not completed by the eligible student.

(2) Not later than March 1 of each year, the department shall prepare and submit to the house and senate fiscal agencies and the department of management and budget a summary annual report on the information received under subsection (1). The department of education shall work cooperatively with the department in the preparation of this report.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1912 Rules.

Sec. 12. The department may promulgate rules it considers necessary to implement this act. Rules shall be promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.

388.1913 Effective date; payment of charges.

Sec. 13. This act takes effect April 1, 2001. Payment of all or part of eligible charges under this act for eligible courses shall begin in the state fiscal year beginning on October 1, 2001.

History: 2000, Act 258, Eff. Apr. 1, 2001;—Am. 2006, Act 94, Imd. Eff. Apr. 4, 2006.

Compiler's note: For transfer of certain powers and duties vested in the department of career development or its director, relating to powers and duties of state board of education or superintendent of public instruction to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers of department of labor and economic growth regarding career and technical education program for secondary students to department of education by type II transfer, see E.R.O. No. 2007-1, compiled at MCL 388.998.